

**United States Court of Appeals**  
**For the Eighth Circuit**

---

No. 14-2175

---

Benjamin Mario Soto

*Plaintiff - Appellant*

v.

Minnesota Bureau of Criminal Apprehension

*Defendant - Appellee*

U.S. Equal Employment Opportunity Commission

*Defendant*

John Does 1-5, each individually and in their official capacities as officials and  
employees of the Minnesota Bureau of Criminal Apprehension

*Defendants - Appellees*

---

Appeal from United States District Court  
for the District of Minnesota - Minneapolis

---

Submitted: October 27, 2014

Filed: November 3, 2014

[Unpublished]

---

Before COLLTON, BOWMAN, and SHEPHERD, Circuit Judges.

---

PER CURIAM.

Benjamin Soto appeals the district court's<sup>1</sup> dismissal of his 42 U.S.C. § 1983 action. Upon careful review, we conclude that the district court did not err in dismissing Soto's claims. See Palmer v. Ill. Farmers Ins. Co., 666 F.3d 1081, 1083 (8th Cir. 2012) (de novo review of grant of motion to dismiss); Mulvenon v. Greenwood, 643 F.3d 653, 657 (8th Cir. 2011) (person must have legitimate claim of entitlement to his employment to have property interest in it). In addition, to the extent Soto attempts to assert on appeal a claim under the Americans with Disabilities Act, we decline to consider it. See Topchian v. JPMorgan Chase Bank, N.A., 760 F.3d 843, 849 (2014) (appellate court does not address legal or factual claims presented for first time on appeal).

Accordingly, we affirm. See 8th Cir. R. 47B. We also deny Soto's pending motions.

---

---

<sup>1</sup>The Honorable Donovan W. Frank, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.